

## REMARKS

Claims 1-7 are pending in the present application. Of these claims, claims 1-4, 6, and 7 have been rejected, and claim 5 has been indicated as objected to as being dependent on a rejected based claim, but allowable if rewritten in independent form. In light of the following remarks, the applicants respectfully request reconsideration of the rejections.

Claims 1, 2, 6, and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Masaki* (U.S. Patent No. 5,629,792). The applicants respectfully traverse this rejection for the following reasons.

With respect to independent claim 1, this claim features “feeding set amplitude-modulated optical signal to a frequency discriminator which outputs a spectral distribution signal.” The present Office Action asserts that this feature is disclosed by *Masaki* by the combination of the in light-electricity converter 7, filter 8, low-pass filter, 10, comparator 11, and error amplifier 13 as shown in FIG. 4. This assertion, however, is incorrect. These elements of the circuit shown in FIG. 4 of *Masaki* merely extract a low-frequency modulation signal that is to be corrected. No teaching or suggestion is given that the resultant output of these elements would be a “spectral distribution signal” as featured in claim 1. Moreover, one of ordinary skill in the art would readily recognize that these elements of *Masaki* are simply not equivalent to the claimed frequency discriminator that outputs a spectral distribution signal. Accordingly, the applicants respectfully submit that *Masaki* fails to teach or suggest all of the elements of claim 1. Additionally, the corresponding elements of apparatus claim 6 are also not anticipated by *Masaki*.

With respect to dependent claims 2 and 7, these claims are believed to be allowable on their merits and also due to their dependency on independent claim 1 and 6, respectfully.

Claim 3 and 4 were further rejected under 35 U.S.C. § 103(a) as being unpatentable over *Masaki*. The applicants respectfully traverse this rejection and submit that these claims are allowable on their merits and also due to their dependency on independent claim 1.

The applicants thank the Examiner for indicating that claim 5 would be allowable if rewritten in independent form. Nonetheless, the applicants have not rewritten claim 5 at this time, pending reconsideration of the rejection of claim 1.

In light of the foregoing comments, the applicants respectfully submit that the application is in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Patrick B. Law  
Reg. No. 41,549  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
Phone: (312) 781-6801

Dated: September 7, 2004